

REMARKS/ARGUMENTS

Based on the foregoing amendments, new claims 10 through 17 are currently pending in the application. Applicant respectfully submits that no new matter has been added by the foregoing amendments. In addition, Applicant respectfully submits that no additional fees are due as a result of the foregoing amendments because the number of independent and dependent claims before the amendments equals or is less than the number of independent and dependent claims after the amendments.

In the Office Action mailed June 13, 2002, the Examiner objected to the specification. In addition, the Examiner rejected claims 1 through 8 under 35 U.S.C. § 102(e) as being anticipated by *Francovich, et al.* (U.S. 5,828,547). In light of the following, Applicant asserts that new claims 10 through 17 are patentable over the prior art of record. Therefore, reconsideration and allowance of new claims 10 through 17 is respectfully requested.

Specification objections

In the cover sheet, the Examiner objected to the Specification. The Examiner, however, has not pointed to the specific areas of the specification that are objectionable. Applicant, therefore, respectfully requests that the Examiner either specify the areas of the specification in need of correction or withdraw the objection to the specification.

Applicant submits herewith a proposed new Abstract of the Disclosure which more accurately describes the invention set forth in the specification and drawings.

Claim rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 1 through 8 under 35 U.S.C. § 102(e) as being anticipated by *Francovich et al.* (U.S. 5,828,547). In order for a prior art reference to anticipate a claim, within the meaning of 35 U.S.C. § 102, every element must be identically disclosed in that single reference.¹ The exclusion of a claim element from the prior art reference negates anticipation.²

New Claims 10 through 16

Applicant respectfully submits that *Francovich* does not disclose, teach or suggest all of the elements of new claims 10 through 16. Specifically, the cited reference does not disclose, teach, or suggest:

one or more securing clips, each securing clip having one or more securing pins and one or more flexible tabs for engaging the pinholes and the clip mounting features of the chassis.

The Examiner points out that *Fancovich*, in Fig. 7 discloses “securing clips (figure 7, item 68)” and “securing pins (figure 7, item 74).” *Francovich* does not describe or disclose each and every element of Applicant’s invention. Applicant’s invention uses a securing clip as part of their system for securing a computer drive to a chassis. The securing clip has as part of its makeup, securing pins and flexible tabs. The securing pins and flexible tabs are not removeable from the securing clip.

Francovich describes a computer drive bracket (figure 7, item 68), not a securing clip. The computer drive bracket is not a securing clip nor does it have as part of its embodiment a securing clip as described in Applicant’s application. This is important because *Francovich* does

¹ *Corning Glass Works v. Sumitomo Electric*, 9 U.S.P.Q.2d 1962, 1965 (Fed. Cir. 1989); MPEP § 2131.

² *Connel v. Sears, Roebuck & Co.*, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983).

not describe a securing clip for securing a computer drive to a chassis. If anything, *Francovich* describes the chassis, itself. Applicant's invention is distinct in that it uses a securing clip to secure a chassis to the computer drive via securing clips having as their essential components securing pins and securing tabs. Based upon the above arguments, Applicants submit that *Francovich* does not disclose each and every element of new claims 10 through 17. As such, Applicant respectfully requests that the rejections be withdrawn and new claims 10 through 17 be allowed to proceed to issuance.

Claim 17

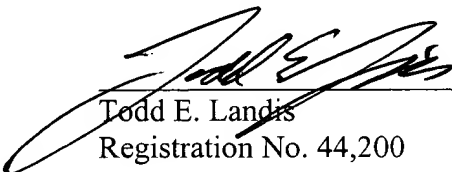
Based upon the foregoing arguments, *Francovich* does not disclose a system for mounting a computer drive to a chassis using securing clips. As such, *Francovich* cannot be said to disclose a method for securing a computer drive to a chassis using securing clips. Therefore, Applicant respectfully submits that new claim 17, drawn to a method, be allowed, and that the Examiner's rejections based upon *Francovich* be withdrawn.

CONCLUSION

Applicant submits that, in light of the arguments stated above, new claims 10 through 17, are fully patentable and the application is in allowable form. Favorable consideration and allowance of the application is therefore respectfully requested. If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

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Respectfully submitted,
GARDERE WYNNE SEWELL LLP



Todd E. Landis
Registration No. 44,200

ATTORNEYS FOR APPLICANTS
Gardere Wynne Sewell LLP
Thanksgiving Tower
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
(214) 999-4388 - Telephone
(214) 999-4667 - Facsimile